

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF ARKANSAS**  
**JONESBORO DIVISION**

CORNELIUS BENNETT, ET AL.

Plaintiffs

VS.

NUCOR CORPORATION and  
NUCOR-YAMATO STEEL  
COMPANY

Defendants

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NO. 3:04CV00291 SWW

**ORDER**

Before the Court is Plaintiffs' motion to strike Defendants' motion for partial summary judgment (docket entry #176). In support of their motion, Plaintiffs state that Defendants' motion is untimely, and even if granted, it would not resolve all pending claims and avoid the need for a trial.

The Court has broad discretion to control the schedule of events in matters on its docket and whether to accept or reject an untimely motion for summary judgment. In this case, the Court finds that Defendants' motion should be considered. Plaintiffs will suffer no prejudice if the motion is considered at this time, and although a decision on the motion will not resolve all claims, it may serve to narrow the issues for trial in this multi-plaintiff case.

Also before the Court is Plaintiffs' motion requesting that the Court stay the current schedule for submission of briefs and evidence in opposition to summary judgment until seven days after a ruling on Plaintiffs' motion to strike. Previously, Plaintiffs requested and were granted an extension of time, up to and including November 30, 2007, in which to file a response to the motion for summary judgment. The Court will grant Plaintiffs an additional extension, up

to and including seven days after the entry date of this order, in which to file a response to Defendants' motion for summary judgment.

IT IS THEREFORE ORDERED that Plaintiffs' motion to strike Defendants' motion for summary judgment (docket entry #176) is DENIED.

IT IS FURTHER ORDERED that Plaintiffs' motion to stay (docket entry #177) is GRANTED to the extent that Plaintiffs have up to and including seven days from the entry date of this order in which to file a response to Defendants' motion for summary judgment.

IT IS SO ORDERED THIS 27<sup>TH</sup> DAY OF NOVEMBER, 2007.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE